

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE: JAMES TODD SMITH, AND CHRYSTI S. SMITH, Debtor(s).))))))	Case No. 10-13278-M (Chapter 13)
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FIRST AMENDED CHAPTER 13 PLAN

LENGTH OF PLAN: SIXTY (60) MONTHS.

PLAN PAYMENT: Debtor shall pay \$460.00 months 1-60, plus 80% of any net quarterly bonus received by the Debtor/Spouse or until claims are paid 100%. The Trustee shall deduct his fee from each payment pursuant to 11 U.S.C. § 1326(b)(2).

COMMENCEMENT: Plan payments shall commence thirty days from the date the Petition is filed. First Payment Due: October 20, 2010.

PRIORITY CLAIMS (To be paid in full without interest):

CLAIMANT	DESCRIPTION	CLAIM AMOUNT	HOW PAID, MONTHLY PAYMENT, TOTAL
J. Scott McWilliams	Attorney fees	\$1,800.00	1-12 @ \$150.00 \$1,800.00

CLAIMS ENTITLED TO ADEQUATE PROTECTION PURSUANT TO 11 U.S.C.

§1326(a)(1)(c). The following claimants are provided adequate protection in the form of a lien on each pre-confirmation plan payment to the Chapter 13 Trustee in the amount stated below for each claimant, subject to the provisions of the L.R. 3070-2:

CLAIMANT	CLAIM AMOUNT	COLLATERAL	ALLOWED CLAIM AMOUNT	INT. RATE	HOW PAID, MONTHLY PAYMENT, TOTAL
Community Bank	\$6,104.65	2003 Toyota Camry	\$6,104.65	7.5%	1-28 @ \$238.34 \$6,673.52

NOTE: Secured creditors shall retain their liens to the extent of the value stated above. The allowed secured claim of each secured creditor shall be the amount of the value stated above with any balance of the claim as filed being allowed as an unsecured claim, with the lien of the creditor being

avoided on the unsecured portion pursuant to 11 U.S.C. § 506(d).

PROPERTY TO BE SURRENDERED:

CLAIMANT	DESCRIPTION	CLAIM AMOUNT	EXPLANATION
Club Wyndham Plus	Time Share	\$unknown	Property surrendered in accordance with Sec. 1325 (a)(5)(c).

R.E./MORTGAGES:

CLAIMANT	DESCRIPTION	ALLOWED CLAIM AMOUNT	INT. RATE	HOW PAID, MONTHLY PAYMENT, TOTAL
Bank of America Home Loans	Mortgage	\$177,405.91	Kx	*Debtors shall continue will all regular post-petition mortgage payments as they come due directly to the creditor.

* This debt is a long-term debt. Payments to this creditor shall continue upon conclusion of the Chapter 13 plan.

EXECUTORY CONTRACTS: N/A.

UNSECURED CLAIMS: All claims not specifically provided for above and those relegated to unsecured status above shall be paid a general unsecured claim, without priority, on a prorated basis.

Unsecured claims per schedule:	\$49,456.43
Claims relegated to unsecured status:	\$0
Total projected unsecured claims:	\$49,456.43

Approximated percentage payback to holders of unsecured claims:	<u>100%</u>
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OTHER PROVISIONS:

- 1) All property of the estate under 11 U.S.C. § 1306 shall remain property of the estate. The Automatic Stay shall remain in force and effect until the conclusion of the case, or other Order from the Court.
- 2) All claims will be treated as set forth above unless a creditor objects prior to the Confirmation Hearing and files a claim within ninety (90) days after the first date set for the meeting of creditors called pursuant to 11 U.S.C. § 341(a).
- 3) Creditors who fail to file a claim within the time stated in paragraph two (2) above may not receive any distributions under this Plan.
- 4) The provisions of Contracts with secured creditors are incorporated herein except as modified

by this Plan and the Order Confirming Plan.

5) The above-named debtor(s) shall be enjoined from incurring any additional debt without prior approval of the court except such debt as may be necessary for emergency medical or hospital care.

6) Creditors will be enjoined and prohibited from assessing late charges, penalties, or other fees by virtue of the manner in which payments are made, or by virtue of the timing of payments under this Plan made by the Trustee.

Dated: November 29, 2010.

Respectfully submitted,

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